

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JAMES THOR KIRK,

Plaintiff,

v.

12cv1157 JAP/WPL

OFFICER JEFFREY BURKE,


Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS  
AND RECOMMENDED DISPOSITION**

On May 25, 2016, the Magistrate Judge filed Third Proposed Findings and Recommended Disposition (TPFRD) (Doc. 270). The parties were notified that objections were due within fourteen days of service of the TPFRD and that if no objections were filed, no appellate review would be allowed. (*See id.* at 4.) To this date, no objections have been filed.

IT IS THEREFORE ORDERED that:

- 1) the TPFRD is adopted as an order of the Court;
- 2) Defendant Jeffrey Burke's Motion to Strike Plaintiff's Amended Complaint (Doc. 236) is granted-in-part and denied-in-part, as outlined in the TPFRD (*see* Doc. 270 at 2);
- 3) Plaintiff's Motion for Leave to Amend (Doc. 240) is denied without prejudice;  
and
- 4) Defendant Jeffrey Burke's Motion to Strike Plaintiff's Modified Complaint for Damages (Doc. 252) is granted.

  
SENIOR UNITED STATES DISTRICT JUDGE